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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 MICHAEL FOLEY,

Case No. 2:16-cv-02369-APG-PAL

8 Plaintiff,

9 v.

ORDER

10 CHRISTOPHER HERMES, et al.,

(Mot Strike – ECF No. 22)

11 Defendants.

12 Before the court is Defendants’ Motion to Strike (ECF No. 22) Plaintiff’s Request for
13 Judicial Notice, or in the Alternative, Response to Plaintiff’s Request for Judicial Notice. The
14 court has considered the motion, and plaintiff’s Response (ECF No. 24).

15 Plaintiff Michael Foley’s Request for Judicial Notice (ECF No. 21) asks the court to take
16 judicial notice of a state court decision and order in a case filed against CCSD and others involving
17 claims brought under Title IX, 42 U.S.C. § 1983, and NRS 388.135 alleging two students were
18 bullied and harassed at school. The state court found that CCSD violated Title IX and plaintiffs’
19 substantive due process rights under the Fourteenth Amendment and the plaintiffs were entitled to
20 judgment on these two claims. Plaintiff asks the court to take judicial notice of a news article
21 reporting that CCSD was set to revamp its anti-bullying policy.

22 Defendants seek to strike his request as an unauthorized and fugitive document. Plaintiff
23 opposes the motion arguing the recent state court decision and article support his claims against
24 the CCSD defendants in this case, and will “better inform the court of the pattern of practices and
25 policies that lead to the problems identified by this Plaintiff.”

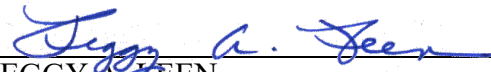
26 Having reviewed and considered the matter, the court will grant the motion to strike. The
27 request for judicial notice is not related to any pending motion filed by either side. Rather, it
28 appears plaintiff is attempting to inform the court of his view that, because CCSD has been found

1 liable for violations in an unrelated case, the court should consider the state court's findings as
2 evidence the CCSD defendants have engaged in the conduct complained of in this case.

3 **IT IS ORDERED:**

- 4 1. Defendants' Motion to Strike (ECF No. 22) is **GRANTED**.
5 2. The Clerk of the Court shall **STRIKE** Plaintiff's Request for Judicial Notice (ECF
6 No. 21) from the court's docket.

7 DATED this 23rd day of October, 2017.

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10 PEGGY A. LEEN
11 UNITED STATES MAGISTRATE JUDGE
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